

PATENT
Customer No. 22,852
Attorney Docket No. 08442.0002-04000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Joseph C. CAUTHEN)
Application No.: 10/085,040) Group Art Unit: 3774
Filed: March 1, 2002)
For: INTERVERTEBRAL DISC) Examiner: Suba GANESAN
ANNULUS STENT) Confirmation No.: 8078
)
)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBSTANCE OF INTERVIEW

Applicant thanks Examiners Isabella and Ganesan for the courtesy extended during the personal interview of February 26, 2009. Further to that interview, Applicant submits the requisite statement of the substance of the interview. An Interview Summary was issued by the Patent Office on March 4, 2009.

In view of the present application being assigned to a new Examiner, Applicant requested an interview to briefly review the history of this application. During the interview, Applicant's representative, Elizabeth Burke, discussed the Reply filed on September 6, 2007, and emphasized that the "sutures" disclosed in the Nash references are not disclosed as "a fixation element that passes into or through said tissue surrounding said aperture," as required by claim 102. In particular, Applicant's representative argued that while a suture may be a fixation element, the suture of Nash

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remains within the aperture rather than passing into or through tissue *surrounding the aperture* as required by the claim.

If there is any fee due in connection with the filing of this paper, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Date: April 3, 2009

By:



Elizabeth M. Burke
Reg. No. 38,758